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Security Council

Sixty-seventh year

Provisional

6713th meeting

Wednesday, 8 February 2012, 10 a.m.

New York

President:	Mr. Menan	(Togo)
Members:	Azerbaijan	Mr. Mehdiyev
	China	Mr. Wang Min
	Colombia	Mr. Alzate
	France	Mr. Briens
	Germany	Mr. Wittig
	Guatemala	Mr. Rosenthal
	India	Mr. Hardeep Singh Puri
	Morocco	Mr. Loulichki
	Pakistan	Mr. Tarar
	Portugal	Mr. Moraes Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. Tatham
	United States of America	Mrs. DiCarlo

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2012/72)

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12-22578 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2012/72)

The President (*spoke in French*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Serbia to participate in this meeting. On behalf of the Council, I welcome His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations, and Mr. Farid Zarif, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo, to participate in this meeting. Mr. Zarif is participating in today's meeting via video teleconference from Pristina.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Enver Hoxhaj to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2012/72, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

I now give the floor to Mr. Edmond Mulet.

Mr. Mulet: The report before the Council (S/2012/72) details the situation in Kosovo and related activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) from 16 October 2011 to 15 January 2012.

While the situation on the ground has calmed down since the Security Council's last meeting on UNMIK (see S/PV.6670), it remains fragile. In presenting this first UNMIK report of 2012, I would like to take the opportunity to look ahead to a year in which renewed attention from the Security Council is merited — even as other pressing matters demand its scrutiny and concern. I believe that such attention will be essential if we are not to squander real opportunities to resolve long-standing differences and consolidate long-term peace and stability in the region.

First, let me touch on the situation in the northern part of Kosovo, which is well documented in the report before the Council. The clashes in an ethnically mixed neighbourhood in northern Mitrovica on 9 November 2011, and the clashes on 23 and 28 November 2011 between Serb demonstrators and Kosovo Force (KFOR) soldiers, marked a very tense start to the current reporting period. However, as the dialogue between Belgrade and Pristina was resuming in Brussels following a three-month hiatus, all sides renewed their efforts to stabilize the situation on the ground and focused their attention on achieving results through good faith engagement.

On 29 November 2011, Serbian President Boris Tadić publicly called for the dismantling of all Kosovo Serb roadblocks in the north. Although some municipal leaders in the north have continued to disregard that message, notably those belonging to Serbian opposition parties, discussions on the ground — variously involving UNMIK, the European Union (EU) Rule of Law Mission in Kosovo (EULEX) and KFOR — have resulted in a relative stabilization of the situation.

As a result of those coordinated efforts to calm tensions in the north, KFOR's ability to conduct essential operations there has substantially improved compared with the previous reporting period. The northern Kosovo Serbs, while continuing to protest EULEX transport by helicopter of Kosovo officials to the northern crossing points, have nonetheless recently begun to allow EULEX greater freedom of movement, including as part of KFOR convoys along the major routes in the north.

Alongside these modest improvements, however, other significant political challenges continue to emerge. At present, local leaders in the north are proceeding with plans to conduct a referendum next week on the acceptance by the local Kosovo Serbs of the Kosovo institutions. This is despite clear opposition to this initiative from Belgrade, as well as from some of the Kosovo Serb leaders residing in the south. This is another case where close cooperation between all

stakeholders on the ground will be crucial to ensuring that potential tensions are kept under control and common messages are conveyed.

The Head of UNMIK, Special Representative of the Secretary-General Farid Zarif, recently conveyed to local leaders in the north that they must seek legitimacy through elections that are in conformity with applicable laws. Although UNMIK is no longer in a position to administer such elections in Kosovo, it will be ready to facilitate them, along with international partners, so long as a fitting modality can be found and agreed upon. Assisting in the matter of ensuring legitimate municipal representation in the north must be a joint and immediate priority of the international community, in the earliest practicable time frame.

This reporting period also saw considerable progress in the EU-facilitated dialogue between Pristina and Belgrade, both through new agreements reached and through the implementation of previous agreements. The dialogue restarted in November under challenging circumstances, but positive results were achieved during sessions in November and early December, demonstrating that practical agreements, designed to alleviate daily problems, are achievable. In particular, the agreement on the integrated management of crossing points, while awaiting the finalization of detailed implementation modalities, represents an important breakthrough and an encouraging signal of goodwill from each party.

It is noteworthy that, during the period when Pristina and Belgrade maintained an intensive engagement in this process, tensions on the ground decreased considerably and the potential for stability increased. It is therefore crucial that the sides maintain their commitment to engaging in a constructive dialogue, and that we continue to help to ensure that peaceful conditions are maintained on the ground in order to avoid unnecessary interruptions. The Council's active assistance in encouraging both parties to move more resolutely towards viable solutions on the issues that divide them is therefore extremely important.

Special Representative Zarif, in his briefing to this Council in November 2011, called upon the parties to show "goodwill, pragmatism, boldness, courage... and full statesman-like responsibility" (*S/PV.6670, p. 5*). I would like to renew this call and note that, recently, there have been some tentative yet encouraging signs of readiness by the political leadership, both in Belgrade and in Pristina, to elevate the quality of their public discourse and use more conciliatory language. I hope that this represents the beginning of a trend that will grow during the year, in spite of the political obstacles faced by each side. Key international stakeholders can and should play a decisive role in ensuring that these positive gestures are translated into concrete actions.

The attention of the Council is presently drawn to other urgent crises. However, I would be remiss should I not take the opportunity today to say that the state of affairs in Kosovo still carries a number of risks that could become more entrenched with each passing year. Optimistic assumptions that a durable solution will simply evolve, even without a clear vision from a more united engagement of the international community, are belied by dynamics on the ground. This is particularly true, but not limited to the developments we witnessed in northern Kosovo during the last quarter of 2011.

We are certain that these dynamics can be harnessed, but also equally certain that that will be possible only if renewed energy and focus are applied by all those with the means and interest to do so. As the European Union steps forward in a leadership role, achieving political progress equally demands better cohesion of the efforts of all engaged international actors.

Therefore, today I would like to urge all stakeholders to take stock of their current engagements in Kosovo. The financial cost of maintaining the international presences in Kosovo is high. It includes, in broad terms, some $47 million annually for UNMIK; around €140 million for EULEX; €23 million for the Organization for Security and Cooperation in Europe; as well as combined annual operational costs to NATO and to KFOR troop-contributing countries that bring the total close to half a billion dollars.

We should each be asking whether these considerable expenditures are being applied as rationally and efficiently as they could be and, even more importantly, whether they are contributing in a coordinated fashion towards a solution under which such expenditures can safely be reduced in the foreseeable future. In the course of 2012, it is critical that we do not miss the opportunity of jointly addressing fundamental issues of efficiency, as well as of common political purpose and vision. This new year

could be the time to reexamine our assumptions and to seek fresh approaches.

Finally, I would like to thank the members of the Council for their support to UNMIK and for their efforts to tackle the problems outlined in the present report. We hope that they will maintain that support, especially by helping to promote the greater international unity of purpose and efficiency of effort needed for progress to be made during 2012.

The President (*spoke in French*): I thank Mr. Mulet for his briefing.

I now give the floor to His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia.

Mr. Jeremić (Serbia): Mr. President, thank you for convening this meeting of the Security Council pursuant to resolution 1244 (1999).

At the outset, I would like to greet the new members of the Council and to appeal to them to continue to refrain from recognizing any solution to the Kosovo problem that is not the product of an agreement between the parties. I would also like to thank Assistant Secretary-General for Peacekeeping Operations Edmond Mulet for his statement and acknowledge Special Representative Farid Zarif, who joins us today via a video link. We look forward to his return to this Chamber for our next meeting.

The United Nations Interim Administration Mission in Kosovo (UNMIK) is a crucial pillar of peace and stability in the province. We concur with the Secretary-General's call on the Council to "support [...] its role, especially in facilitating engagement between all stakeholders and containing tensions and confrontations on the ground" (*S/2012/72, para. 56*). In this context, the Secretary-General adds,

> "it remains crucial that initiatives undertaken by the international actors operating within the framework of the United Nations and resolution 1244 (1999) are strategically aligned and closely coordinated" (*ibid.*).

The Secretary-General's overall assessment of developments in the last quarter of 2011 is that "risks to peace and stability from the Kosovo issue continue to confront the people on the ground and the international community" (*ibid., para. 52*). His report goes on to emphasize that the situation remains volatile, and "carries a continued risk of... an escalation of inter-ethnic tensions" (*ibid.*).

After a series of incidents in late November, conditions in northern Kosovo began to slowly improve, and "tensions in the area subsided by the end of the reporting period" (*ibid.*). For the Serbian community in the south, the situation unfortunately did not get significantly better, as the trend of violent incidents continued apace and the number of returnees remained very low. The Christmas visit of President Tadić to the Visoki Dečani monastery, during which he made an appeal for a comprehensive peace between Serbs and Albanians, was met with organized protests throughout Kosovo, including attacks on his convoy.

In its executive capacity, EULEX made some positive contributions to the administration of justice in Kosovo. It brought to trial a number of high-profile cases in the areas of organized crime and corruption, targeting a number of senior officials and controversial public figures in Kosovo.

In the second half of the reporting period the dialogue between Belgrade and Pristina resumed. Some breakthroughs were made, despite what the report called, in reference to this process, "challenging circumstances".

North Kosovo remains volatile as a result of attempts to unilaterally alter the reality on the ground, in violation of resolution 1244 (1999) and against the will of the majority Serb population. The unfolding consequences of attempts to impose outcomes through the use of force continued to dominate the political climate during the first half of the reporting period. This resulted in the setting up of road blocks, demonstrations and clashes. We swiftly and unequivocally condemned the violence. We also called on all the stakeholders to resolve problems through peaceful negotiations and to refrain from any action detrimental to the establishment of a safe and secure environment. In early December the situation began to de-escalate, in part thanks to the efforts of UNMIK, which facilitated what the report terms "a new security coordination forum" that involves local Serb leaders, KFOR, EULEX and the OSCE.

As in the previous reporting period, a number of incidents directed against ethnic Serbs in South Kosovo

"continue to affect negatively the perception of security. This is particularly the case when the incidents are not ... followed up by effective action on the part of law enforcement bodies." (*S/2012/72, para. 29*)

The report notes several categories of crimes committed against Serbs in South Kosovo, including murder, assault, home invasion, burglary, stoning of vehicles, arson, theft of farm equipment and attacks on pilgrims and returnees. The gravest crime took place in Dobruša, an isolated Albanian-majority village in the South Kosovo municipality of Istok. A family of Kosovo Serb internally displaced persons (IDPs) had gone to visit their abandoned property for the first time in many years. They were greeted by an ethnic Albanian neighbour, who then went back into his home. Soon thereafter, the report informs us, he opened fire on the Kosovo Serb returnees with an automatic rifle, killing one and injuring the other two.

The report also indicates that acts of desecration and vandalism against the Serbian Orthodox church, holy sites and cemeteries continue to take place. Such hate crimes severely hamper reconciliation efforts. They also keep the rate of IDP returns at very low levels; according to the report, they are down 51 per cent in comparison to the same period the year before.

Serbia agrees with the Secretary-General's assessment that recent developments regarding privatization are cause for great concern.

In 2002, UNMIK established the Kosovo Trust Agency (KTA) for the purpose of facilitating the implementation of economic reconstruction and development of Kosovo. As it privatized a number of Kosovo-based Serbian companies, funds were held to provide compensation to rightful owners. A reduction in the Agency's powers and responsibilities was never endorsed by this Council, and its jurisdiction remained beyond the scope of the process of UNMIK's reconfiguration, which took place over the course of 2008. During that period, the authorities in Pristina established an institution called the Kosovo Privatization Agency, forcibly taking over many of the KTA's functions.

As paragraph 26 of the report informs us, over the past few months, we have seen a significant weakening of the protection of privatization funds. The report notes: "international involvement in and oversight of the privatization and liquidation processes ... is being acutely curtailed". Only a limited appellate process will have majority international supervision, and even that is understood to be temporary. The Secretary-General's conclusion is unequivocal: "This constitutes a departure from the privatization ... framework established by UNMIK".

Approximately a quarter of a billion euros are being held in banks of various United Nations Member States. It is likely that the so-called Kosovo Privatization Agency will try to gain access to these funds. The financial institutions that hold those deposits must not release them until an agreement is reached among the stakeholders. This is a very serious liability issue, and we shall not refrain from using all juridical mechanisms at our disposal to protect our property rights.

We believe this is a matter that requires the attention of the Security Council. The actions by the Kosovo Privatization Agency amount to usurpation of the authority and jurisdiction of the United Nations. This could set a precedent with serious consequences for all United Nations peacekeeping operations.

Annex I of today's report makes reference to what is commonly known as the Medicus case. It involves an organized criminal conspiracy to source human organs for illicit transplant in a Pristina clinic. While EULEX has been able to bring to trial a number of ethnic Albanians on various charges, two of the prime suspects — both foreigners — fled Kosovo and cannot be extradited. Some of those who are suspected of involvement in this affair, starting with its ringleader, are also mentioned in a deeply disturbing report released by the Council of Europe more than a year ago, entitled "Inhuman treatment of people and illicit trafficking in human organs in Kosovo". It contains allegations of harvesting and smuggling of human organs before, during and after the 1999 conflict. If proven true, it would constitute an entirely new category of war crime.

This past October, Mr. Clint Williamson became Lead Prosecutor for the EULEX Special Investigative Task Force. During his first visit to Belgrade, we assured him and his team that we will assist them in any way that we can, for we believe they can make an important contribution to uncovering what occurred inside Kosovo itself. But this remains insufficient, for much of what is alleged took place beyond that territory.

Since EULEX cannot operate at full capacity anywhere outside Kosovo, at the moment it has neither an adequate mandate nor sufficient temporal and territorial jurisdiction to carry out an investigation that would be comprehensive in scope. Only an investigation conducted under the auspices of the Security Council can ensure that. Otherwise, any number of alleged participants in this war crime could remain beyond the reach of justice.

When it comes to such matters in the Balkan context, a mandate to investigate has always been bestowed by the Security Council. It should happen again, not only for the sake of consistency, but to ensure the investigation becomes transparent and accountable to the whole world. We appreciate previous efforts to reach a consensus in the Council on how these allegations can be decisively addressed. We must not yield on this, on both moral and human rights grounds. Serbia will therefore seek another round of Security Council consultations on the issue.

As indicated in the report, progress has been made in the technical dialogue between Belgrade and Pristina. To quote from it, "positive results were achieved during the intensive sessions held in November and early December, and ... there is now visible progress in the implementation of previously reached agreements" (*ibid., para. 53*). Serbia remains committed to this process. It is the only legitimate mechanism with which to overcome differences on practical considerations.

The problem of Pristina's participation in regional meetings will be addressed in the next round of dialogue. We have never sought to prevent any voice in our part of the world from being heard, including that of Pristina. However, this must stay in unequivocal and explicit accord with resolution 1244 (1999). We ask the Security Council to support the centrality of its resolutions in the context of the dialogue.

Close to four years ago today, the Provisional Institutions of Self-Government in Kosovo unilaterally declared independence from Serbia. Our measured reaction to the blatant violation of our Constitution ensured that the peace was kept. That was the first time in the history of the Balkans that a development of such gravity did not result in armed hostilities.

However, a comprehensive settlement to the underlying dispute between the parties has not yet been found. President Tadić has repeatedly said that it must provide for ironclad, internationally guaranteed assurances that safeguard our interests inside the province by securing a realistic solution for North Kosovo, protecting our enclaves in South Kosovo, preserving Serbian identity and religious heritage throughout the province and settling private and commercial property claims.

In coming to the end of my remarks, I wish to emphasize that the pursuit of outcomes outside the framework of negotiations is both futile and counterproductive. This include seeking new recognitions for the Unilateral Declaration of Independence, divisive attempts to force one's way into international organizations and any number of other plans to achieve narrowly conceived objectives. The only way to produce a viable, sustainable and lasting solution to the problem of Kosovo is for the parties to negotiate with each other in good faith, on all outstanding issues. We are ready.

The President (*spoke in French*): I thank Mr. Jeremić for his statement.

I now give the floor to Mr. Enver Hoxhaj.

Mr. Hoxhaj: It is a great honour and a pleasure for me to address the Security Council today regarding the latest report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2012/72).

First, I would like to congratulate Azerbaijan, Guatemala, Morocco, Pakistan and Togo as new members of the Security Council and wish them success in that very important responsibility. Secondly, I would like to thank the Secretary-General, Mr. Ban Ki-moon, for his continuous support for building a democratic, multi-ethnic and stable Kosovo. With the commitment of our institutions and the support of the international community, the Republic of Kosovo today is a modern and viable State whose main policy goal is integration into the Euro-Atlantic institutions.

While we are discussing my country in this Chamber today, Kosovo prepares to celebrate next week its fourth anniversary as an independent state. Independent Kosovo was born, based on the will of its people, on 17 February 2008, and our tragic history has left a difficult legacy. Kosovo was part of the Yugoslav disintegration of the 1990s that took the lives of tens of thousands of innocent people — many of them women and children — who did not accept the criminal regime

of Slobodan Milošević. As it related to Kosovo, the aim of Milošević's policy was to ethnically cleanse Kosovo. In 1999 alone, within a few months, over 1 million people were expelled from Kosovo. In fact, those tragic events are very well known to everyone here, as many United Nations reports have reported on them since 1998.

However, the situation has changed in recent years. In that time, Kosovo has made great progress in state-building, due to the commitment of its people and the support of the international community. We are very grateful for the support of the Council and the important role that it has played in rebuilding a society and building a country from scratch and helping it to overcome a difficult past. Today, the vision of our government is to replace the politics of conflict with those of reconciliation and European integration, and I believe that lessons learned from past tragedies should help to more effectively shape policies in the present.

Allow me to report on the progress we have achieved during this reporting period and to go over the challenges we face.

After four years of independence, Kosovo has built a cohesive state and has strengthened its multi-ethnic and democratic institutions. The internal and international development of Kosovo has involved various central and local-level institutions playing vibrant roles. The parliament has been dynamic in implementing its legislative agenda, our non-partisan President has been active in the national and international representation of Kosovo and the government has been operational and effective in reforming the country and tackling the needs of our society.

Due to the very hard work and commitment of our institutions, Kosovo is a prosperous, multi-ethnic democracy and has maintained peace and stability in the face of serious challenges and efforts to generate instability. During this time, Kosovo's leaders and their political parties have shown maturity and democratic responsibility in their engagement on issues of the common interest.

The Assembly of Kosovo has passed a number of important laws, and many others are under review. The Assembly has played a very important role in monitoring the implementation of laws and has fulfilled its important task of overseeing the work of the government. Through heated debates and discussion, the Assem[illegible]ias provided real democratic representation for Ko[illegible]'s citizens. The Assembly of Kosovo adopted 20 major laws, including laws on control of the border, international agreements, copyright, the state budget and others.

In order to overcome weaknesses in public administration, the government is implementing fundamental reforms. Those reforms were strongly commended by the European Commission progress report. We are aware that this is a very complex and lengthy process, but the government is very much committed to building an independent and efficient public administration in line with the best European practices.

The government of Kosovo is undertaking very serious efforts to reform the justice system and strengthen the rule of law. Important steps have been made in building new institutions, adopting necessary legislation and regulations and increasing the professional capacities and numbers of judges in Kosovo.

The fight against corruption and organized crime is one of the top priorities of the government, and many measures and actions have been undertaken to strengthen the rule of law. We have adopted a Strategy and Action Plan against Corruption, which includes the creation of a special prosecution and anti-corruption task force. There is close cooperation between the Kosovo government and the European Union Rule of Law Mission (EULEX), which has done very good work in combating and investigating different forms of crime.

Let me reiterate that the government of Kosovo welcomed from the very beginning the establishment of the EULEX Special Investigative Task Force to investigate all allegations contained in the report by Mr. Dick Marty. All Kosovar institutions have offered full cooperation to the EULEX Lead Prosecutor, Mr. Clint Williamson, for this investigation process, which started last year and has included visits this year to Pristina and other regional capitals. Kosovo's institutions are very determined to support the full clarification of the allegations in an open, independent, professional and transparent way.

Beside reforms in public administration and the legal sector, the economy remains a pressing priority for the government. Therefore the government is engaged in ensuring economic growth, tackling

unemployment, providing social justice for all, improving the business investment environment and reforming the energy and education sectors. Reforms in the financial sector are designed to ensure fiscal stability and improved budget management. According to the International Monetary Fund, macroeconomic and financial policies are on track. Kosovo's economy grew by an estimated 5 per cent during 2011.

Kosovo is not only the youngest state in Europe, but it also has the youngest population, at a time when many countries are facing an aging problem. The young and well-educated represent a generation that constitutes great social capital for Kosovo. In addition, we have a very active and dynamic civil society, which has continued to crucially shape politics and different policies. Numerous institutions, organizations and associations have been formed and play an active part in public life and in supporting the overall process of state-building and democratization. They contribute to our important checks-and-balances system by presenting their interests and views, which the government values highly. Civil society activists help prepare for a society that discusses, debates and challenges every policy and action of the government and the international community. They are very important agents of modernization in our young state.

I have been speaking about the internal consolidation of Kosovo's institutions. Let me now reiterate that for Kosovo, the international consolidation of its statehood is crucial with respect to being part of the international system.

We are undertaking major efforts to gain our place in regional and global institutions as a constructive, contributing member of the international community. Kosovo's participation in regional and global institutions is vital for the stability, security and development of Kosovo, the Western Balkans and even Europe. I would therefore like to invite all Member States to support our participation in regional and global forums. Kosovo's inclusion would respect the rights and needs of all the citizens of Kosovo and of our state.

Full recognition of Kosovo's independence remains a very important goal for my government. The number of recognitions and their geographic scope has made the independence of Kosovo a geopolitical reality in the Balkans and in Europe, and the number of independent and sovereign States recognizing Kosovo is constantly growing. Currently, 85 Members of the United Nations have formally recognized our country. I would like to thank the Republic of Ghana for its recent decision to recognize the Republic of Kosovo. We strongly believe that even more countries will recognize Kosovo over time; some of them are in fact in the process of making that decision.

I have informed the Council as to how Kosovo has become a functional, prosperous, stable and multi-ethnic state, with a diverse society and a steadily growing economy. Anyone who has visited Kosovo in the last few years has seen that it has transformed itself into a true multi-ethnic democracy. The clear goal of Kosovo's government and the international community was to create a state for all Kosovo citizens, in order to overcome separations along ethnic lines and to advance the interests of all communities in Kosovo through participation in democratic and multi-ethnic institutions.

I would like to report that this year Kosovo is entering a new phase of statehood. This new chapter of our state is an important short- and long-term development for Kosovo, for the whole region and for the European Union.

Four years ago, on 28 February 2008, the International Steering Group (ISG) on Kosovo was formed. Its role has been to help guide Kosovo's democratic development and to promote good governance, multi-ethnicity and the rule of law. The ISG, a body comprised of 25 States, appointed an experienced international diplomat, Mr. Pieter Feith, as the International Civilian Representative for Kosovo to lead the International Civilian Office (ICO). The mandate of the ICO was to monitor and facilitate the implementation of United Nations Special Envoy Martti Ahtisaari's comprehensive settlement proposal.

In the last four years, due to close cooperation between the government of Kosovo and the ICO, Kosovo made fundamental progress in the implementation of the Ahtisaari Plan through the participation and promotion of communities — Serb, Bosniak, Gorani, Turk, Roma, Ashkali and Egyptian — at all levels of governance. Those national, ethnic, linguistic, cultural and religious groups — who are defined in our Constitution not as minorities but as communities — today enjoy the most advanced rights and privileges of any such communities in Europe. We have invested more than €200 million in the

implementation of the provisions of the Ahtisaari Plan related to communities.

As a result of the successful implementation of that Plan, the majority of Kosovo Serbs are participating in Kosovo institutions at both the central and local levels of government. The government of Kosovo, through a decentralization process, has created new municipalities composed mostly of the Serb community, such as Gračanica, Klokot-Verboc, Ranillug, Novobërdë, Shtërpcë and Partesh. The establishment of those municipalities has improved the quality of the political and economic life of Kosovo Serbs. They were created in accordance with the European Charter of Local Self-Government and have full managerial and executive competencies, based on a process of devolution. As one would see if visiting any one of those municipalities, the result has been the rebirth of vibrant, dynamic communities.

In order to protect and promote religious and cultural heritage and cultural diversity, the government of Kosovo has granted special protection to 45 sites through the establishment of special protective zones. Those include monasteries and churches of the Serbian Orthodox Church along with also medieval towns, fortress, bridges, traditional houses and monuments. The implementation of the Ahtisaari Plan has provided communities with access to education, supported the return of refugees, promoted reconciliation between different communities and accelerated economic and social development.

The beginning of a new phase in Kosovo's development as a state was marked during the latest meeting of the ISG, held in Vienna on 24 January 2012. The representatives of the 25 member States confirmed:

> "Kosovo is now in the final stages of implementing the Comprehensive Settlement Proposal and will therefore start preparations for an organized end to supervised independence and the closure of the International Civilian Office, which should be possible by the end of 2012."

The ISG has endorsed a strategy that will facilitate that process.

Through a parliamentary resolution approved by a majority of more than two thirds, the government of Kosovo, opposition political parties and other Kosovo institutions have committed themselves to taking the necessary political steps, backed by financial commitments, to implement specific measures on community rights, cultural heritage and dealing with the past.

This year, a package of amendments to Kosovo's Constitution and relevant primary legislation will be adopted. That will embody the key provisions of the Ahtisaari plan in our Constitution and laws, and thereby facilitate the formal end of the ICO's mandate and, with it, supervised independence.

We recognize that there is more work to be done but we are ready and willing to meet our international obligations. I would like to inform all representatives that, so far, 95 per cent of the Ahtisaari plan has been implemented, although that has not included the creation of the new municipality of northern Mitrovica. That has been prevented by the illegal security, paramilitary and police Serbian State structures that still today are led, controlled and financed by Belgrade in flagrant violation of resolution 1244 (1999).

That has been recognized by the ISG as well.

> "The ISG urges Serbia to abide by its international commitments and refrain from interfering in Kosovo, including by withdrawing its police, security and other State presences, and supporting efforts by international actors and the institutions of Kosovo to promote the rule of law."

Let me brief the Council about the relations between Kosovo and Serbia, the technical dialogue and our common European future. I think that we cannot speak of Europe as a whole, free, democratic and peaceful without having resolved the remaining issues in the Balkans. For the Government of Kosovo, the integration of the whole region into Euro-Atlantic institutions is the best means of ensuring long-term peace and a brighter future for all.

Sharing that vision and fulfilling the obligations of General Assembly resolution 64/298 of September 2010, Kosovo and Serbia have taken part in a technical dialogue since March 2011. The aim of that dialogue is to solve practical issues from which citizens of both countries would benefit. We strongly believe in a dialogue as a means not only to solve technical issues, but also to build trust between the two nations and to overcome the difficult past.

However, let me summarize what has happened recently. On 9 December 2011, the European Council held a summit in Brussels and deferred Serbia's European Union candidate status. The reason was because Serbia failed to make sufficient progress in the European Union-facilitated dialogue with Kosovo and due to the blocked and tense situation created in the northern municipalities of Kosovo by Serbian Government structures. In its conclusions, the Council tasked the Council of Ministers with:

> "examining and confirming whether Serbia has continued to show credible commitment and has achieved further progress in moving forward with the implementation in good faith of agreements reached in the dialogue, including on integrated border management, has reached an agreement on inclusive regional cooperation and has actively cooperated to enable EULEX and KFOR [the Kosovo Force] to execute their mandates".

If I translate the conclusions into simpler terms, the Council asked Serbia to engage seriously and fully in the technical dialogue and to implement all provisions of the agreements that it reached with Kosovo in Brussels, as well as to respect its obligations under resolution 1244 (1999) to contribute to a safe and secure environment in Kosovo and to ensure freedom of movement for all. Serbia should not just pay lip service to its commitments and fail to implement its obligations on the ground. Agreements are not worth anything if they are not implemented in practice. If that was Serbia's intention when it agreed to enter into a dialogue with Kosovo, the European Union clearly did not buy into it. The Council agreed to review Serbia's progress towards Kosovo by the end of February.

Let me inform the Council briefly about the current situation in the northern part of Kosovo and the implementation or non-implementation of agreements reached until now.

First, regarding the north of Kosovo, Serbia has failed to meet its obligations as called for in the European Union Council's December conclusions. The situation on the ground, in particular in the north of Kosovo, remains tense as a result of the roadblocks put up by Serb extremists and Serbian State structures on Belgrade's payroll. Since July of last year, the freedom of movement of people and goods in the northern part of Kosovo has been denied to the citizens of Kosovo. In violation of resolution 1244 (1999), Serbia still maintains security and judicial structures, including hundreds of police officers and members of the gendarmerie, in the north of Kosovo. Moreover, two very important international actors — KFOR and EULEX, missions authorized by the Security Council — are unable to carry out their mandates due to the barricades.

I believe that the rule of law is not negotiable and should be applied to everyone. The north of Kosovo cannot remain a black hole in Europe. The Serbian policy of pursuing both the European Union and Kosovo clearly means pursuing both the partition of the northern part of Kosovo and membership of the European Union.

Secondly, Serbia has also failed to fulfil its obligations under the agreements reached last year in Brussels in the technical dialogue. Besides the partial implementation of agreements on freedom of movement and free trade, all other agreements, including the return of the civil registry and cadastre records, mutual recognition of school and university diplomas and integrated border management, have not been implemented at all. On issues of telecommunications, energy and regional cooperation, Serbia has failed to agree to proposals coming from the European Union itself.

The examples that I mentioned here today show that, in the past year, Serbia understood the dialogue as a process of taking part in meetings, not achieving concrete results. Last year, the Serbian side accepted some agreements and solutions in order to gain enough credit to achieve candidate status in the European Union. But there is no real implementation of agreements on the ground. Kosovo will take part in the dialogue in good faith. We will implement all agreements reached and accept all European solutions. Dialogue is very important to both countries as independent States and partners on their European path. My Government supports the integration of the whole region into the European Union.

However, I would like to be very clear that peace and stability between Kosovo and Serbia and the prosperity of the whole region will depend on the decision soon to be made in Brussels by the European Council. If Serbia is rewarded with candidate status without having dismantled the police and security structures in northern Kosovo, removed barricades or

fully implemented agreements reached in the technical dialogue, the consequences will be both short- and long-term. The current status quo in the three northern municipalities of Kosovo will be transformed into a frozen conflict; agreements reached through the technical dialogue will not be implemented; and the process of the normalization of relations between Kosovo and Serbia will have no future.

At the same time, there is a risk of other negative developments in the next weeks and months for the potential to worsen the situation. Next week, on 15 February, the Serbian State's illegal structures intend to organize a referendum in the northern municipalities of Kosovo, opposing the institutions of Kosovo and calling for partition and their incorporation into Serbia.

This year, when elections will be held in Serbia, Belgrade intends to organize elections inside the territory of the Republic of Kosovo as well. This is a massive violation of resolution 1244 (1999) and of our State sovereignty. These possible events could represent a very dangerous development for stability inside Kosovo, and they could put the whole architecture of regional security into question.

To conclude, our institutions are committed to making 2012 a historic European year for Kosovo and the region. We started this year with the launching of the visa liberalization dialogue, which will enable our people to travel across the European Union without visas. Key institutions in Brussels and member States have pledged to Kosovo that it will enjoy trade relations in the form of contractual relations with the European Union and membership in the European Bank for Reconstruction and Development.

We welcome the nomination of the former Slovenian Foreign Minister, Mr. Samuel Žbogar, as the European Union's Special Representative to Kosovo. He arrived in Pristina this week. The clear goal of our government is to make the European presence and integration process stronger within Kosovo and to bring our country closer to the European Union.

We call upon Serbia to refrain from violence, destabilizing actions and provocative rhetoric. It is time for Serbia to finally withdraw its State police and security forces from the northern municipalities of Kosovo. The implementation of the Ahtisaari plan in that part of Kosovo is still the best framework for the political and democratic participation of all Kosovo Serbs there, in the same way as has happened in the rest of Kosovo, where today Kosovo Serbs and our other communities are shaping their own futures. The ideas of exchanging territories or ethnic and territorial partition are very dangerous. It is for the good of all — Serbia, as well as Kosovo and all other countries in the region — that the borders of the Balkans have been fixed once and for all.

We thank the Security Council and all United Nations Member States, our partners and important State actors for supporting us from conflict and war to a peaceful and democratic transition. Kosovo is a viable and stable state, and can be counted on as a responsible member of international community of free nations.

The President (*spoke in French*): I now give the floor to the members of the Council.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We thank Mr. Mulet for introducing the Secretary-General's report (S/2012/72) on the work of the United Nations Interim Administration Mission in Kosovo (UNMIK). We note the participation in this meeting, through the use of telecommunications technology, of the Head of UNMIK, Mr. Zarif. We welcome the presence of the Minister of Foreign Affairs, Mr. Vuk Jeremić, and we share his assessment.

We have listened closely to Mr. Hoxhaj. Mr. Hoxhaj began his statement by citing ancient history. To paint the full picture, he should have mentioned the mass exodus of Albanians from Kosovo at the time of the 78-day bombardment of Serbia by NATO. I also note that members of the Security Council that are members of the European Union (EU) were certainly grateful for Mr. Hoxhaj's clarification with regard to relations between the EU and Serbia, and for his formulation of the instructions received from Brussels in that regard.

Russia's position of not recognizing Kosovo's unilateral declaration of independence remains unchanged. Resolution 1244 (1999) remains fully in force and binding as an international legal basis for settlement in Kosovo. With regard to the Secretary-General's report on the activities of UNMIK, I would like to make the following comments. The current trends in the province are generally correctly reflected in the report, but in diluted form. It clearly distances itself from the real situation and security of minorities,

the preservation of Serbian cultural and religious heritage, and the return of internally displaced persons.

Yet these issues are of key importance for the security of the province. We have serious doubts about the report's claim that the international presence — the Kosovo Force (KFOR) and the European Union Rule of Law Mission in Kosovo (EULEX) — respect the principle of status neutrality and resolution 1244 (1999). It is precisely their failure to respect the latter that has led to conflict with northern Kosovo Serbs and obliged UNMIK, as noted in the report, often to act as a fire brigade.

Force must not be used in this situation, and we must ensure that a political settlement is found to emerging problems. We can only be alarmed at the actions of EULEX in December 2011 with regard to a Russian humanitarian aid convoy in northern Kosovo. Russia itself decides to whom and at what level it will provide humanitarian assistance. Resolution 1244 (1999) imposes the obligation on the international presence to provide unrestricted access for humanitarian aid.

The situation in Kosovo remains bleak. We note the breakdown in the policy for the return of internally displaced persons to Kosovo and the growing exodus of the Serbian population from the province. The situation is only partly reflected in the Secretary-General's report. We intend to give this issue priority attention during the forthcoming visit to Kosovo in late February by the Russian High Representative on human rights, democracy and the rule of law. The disappointment of the Serbian population, who feel that they are not supported or protected by the international presence in Kosovo, is expressed in the setting up of roadblocks and the plan of Serbian municipalities in the province to hold a referendum on the issue of the legitimacy of the Kosovo Albanian authorities.

We believe that, in seeking a solution, we must use only peaceful means within the framework of dialogue with all interested parties. We are convinced that, despite efforts to repudiate the role of UNMIK, the Mission remains the principal international civilian presence in Kosovo, pursuant to resolution 1244 (1999). We insist on the full implementation by UNMIK of its mandate, including with regard to the foreign representation of Kosovo in regional and international organizations and mechanisms.

The international community must pay greater attention to the Orthodox holy sites and congregations. We share the concern of the Serbian authorities and Orthodox Church with regard to the imminent hand-over of protection responsibilities for important Serbian cultural and religious cultural sites from KFOR to the Kosovo Police. We believe that this development may cause further uncertainty in the security of Kosovo.

We would like to obtain clarification with regard to the reasons and parameters for the coming drawdown of EULEX and the planned conditions for transferring the police and customs functions it inherited from UNMIK to Kosovo institutions. Why this is being done without the approval of the Security Council, which sanctioned the deployment of the European mission?

Finally, we are concerned at the way EULEX is investigating facts revealed by Dick Marty, Special Rapporteur of the Council of Europe, on the illegal trade in human organs in Kosovo. These very grave facts point to the criminal involvement of some current Kosovo leaders. The investigation must be impartial and worthy of trust.

It is with this in mind that we advocate the transfer of the investigation to the Security Council. At the moment, the investigation is looking into the involvement of some Kosovo leaders in illegal trafficking in human organs, and is being undertaken by those countries which in the past helped these very people come to power in Kosovo. As we know, a leading role was played here by the United States. And — what an amazing coincidence — it is a United States citizen who is heading the ongoing investigation. There is a clear conflict of interest here. We recall that Carla del Ponte, the former Prosecutor of the International Criminal Tribunal for the former Yugoslavia, noted significant problems with the investigation being led by international entities and the Kosovo authorities into organ trafficking in Kosovo.

We note the unsatisfactory situation with regard to witness protection, as confirmed by the Council of Europe. There is no progress here; key witnesses are simply rubbed out. In this regard, we call on the new non-permanent members of the Security Council to support the Serbian initiative to establish a Security Council mechanism to follow up on the findings of the Marty report. Their support would be an important

contribution to ensuring justice and the rule of law and to guaranteeing that the investigation will not once again be brushed under the carpet. We hope that those countries that view this initiative negatively will change their positions. The humanitarian importance of this problem is too great.

Mr. Wang Min (China) (*spoke in Chinese*): I would like to thank Assistant Secretary-General Edmond Mulet for his briefing. I also listened carefully to the statements of Foreign Minister Vuk Jeremić of Serbia and Mr. Enver Hoxhaj of Kosovo.

In recent times, various parties have made efforts to ease the tension in northern Kosovo. However, the root causes of the tension in the region endure, the situation in northern Kosovo remains fragile, and the risk of further escalation persists. We hope that the parties concerned will fully grasp the sensitivity and complexity of the situation, act with caution, settle their differences through dialogue and avoid any unilateral action that might further exacerbate the situation.

On the question of Kosovo, it is the consistent view of China that mutually acceptable solutions should be sought within the framework of resolution 1244 (1999) and on the basis of a dialogue among the various parties. A series of talks was held recently in Serbia and Kosovo, and some progress was made on some issues. We hope the parties concerned will increase their efforts and maintain and intensify their dialogue. This is not only in the interests of the parties themselves and the well-being of their people, but will also contribute to peace and stability of the Balkan region and all of Europe.

China expresses grave concern about allegations of human organ trafficking in Kosovo. No act in violation of international law and international humanitarian norms should be condoned. The Serbian concern about these allegations is legitimate. We are in favour of investigation by the United Nations into these allegations.

The United Nations Mission in Kosovo (UNMIK) has made tireless efforts, with positive results, to facilitate the stability and development of Kosovo and to coordinate the work of various international entities in Kosovo. China appreciates the efforts of UNMIK and the Special Representative of the Secretary-General, Mr. Farid Zarif, in this connection. China will continue to support their work.

We hope that UNMIK will play a greater role in facilitating communication and dialogue among the parties. We also hope that EULEX, KFOR and other international entities will strictly implement their mandates pursuant to the resolutions of the Security Council, and play a constructive role in stabilizing the situation in Kosovo.

Mr. Loulichki (Morocco) (*spoke in French*): I would like at the outset to thank the Secretary-General for his most recent report (S/2012/72) and Mr. Edmond Mulet for his briefing on recent developments concerning the United Nations Interim Administration Mission in Kosovo (UNMIK).

The Secretary-General's report tells us that, during the period covered, the security situation in Kosovo improved considerably compared with the previous period. Nevertheless, as Mr. Mulet stressed, there are continuing tensions in northern Kosovo that may exacerbate the situation on the ground and undermine the chances for progress in the substantive negotiations.

We welcome the efforts being made by UNMIK to reduce inter-communal tensions in Kosovo and to avert the escalation of violence and confrontation among them. We welcome the progress made in the ongoing negotiations between Belgrade and Pristina under the auspices of the European Union, particularly in the joint management of border crossings, the civil registry, freedom of movement, license plates and the recognition of university diplomas. These efforts represent an important stage in the negotiations between the two parties, and it is our hope that this trend will have a positive impact on the substantive negotiations concerning the final settlement in Kosovo.

Morocco encourages the parties to pursue, in good faith and with a determination to succeed, the bilateral negotiations aimed at finding a final, political settlement to this issue, in line with the parameters set out in resolution 1244 (1999), and to act in conformity with its provisions, without undertaking any unilateral steps.

On another subject, my country is concerned at allegations of trafficking in human organs, known as the Medicus case. We note the determination of the parties to cooperate in order to identify and bring to justice those who responsible for these acts and to avoid any recurrence thereof.

Morocco has always attached special importance to peace in that region, as witnessed by the presence of a Moroccan humanitarian contingent in the multinational peacekeeping force in Kosovo. In the Security Council, my country will continue alongside other members to support engagement and dialogue among the parties and the promotion of confidence-building members among the communities and parties of Kosovo so as to identify a definitive political solution, in line with international law, that will establish peace and security in the region.

Mr. Wittig (Germany): Let me at the outset welcome His Excellency Mr. Vuk Jeremić, Foreign Minister of Serbia, and His Excellency Mr. Enver Hoxhaj, Foreign Minister of Kosovo. Many thanks also go to Assistant Secretary-General Edmond Mulet for his comprehensive briefing and Mr. Farid Zarif, Special Representative of the Secretary-General for Kosovo, for joining us by video link.

We continue to view the situation in northern Kosovo with great concern. The tense political situation as clearly and negatively impacted the European Union-facilitated dialogue between Pristina and Belgrade. Once again, we particularly deplore the reactions following the deployment of Kosovo customs and border police officers last year, especially the reinforcement of roadblocks at some gates and the erection of additional roadblocks along other routes. We firmly condemn any act of violence against the Kosovo Force (KFOR) and the European Union (EU) Rule of Law Mission in Kosovo (EULEX), such as the attacks against KFOR personnel in late November 2011.

Let me recall that, throughout these recent tensions, both KFOR and EULEX have acted and continued to act, in accordance with their mandate, in a status-neutral way that aims to ensure and maintain a safe and secure environment, including freedom of movement, and to establish the rule of law. Germany appreciates the contribution of the United Nations Interim Administration Mission in Kosovo (UNMIK) towards restoring freedom of movement for the international presences throughout northern Kosovo.

The last weeks have seen slight improvements. That momentum should be maintained, and parties should build upon it. In that context, we welcome efforts undertaken by UNMIK to improve coordination and cooperation among KFOR, EULEX, the Organization for Security and Cooperation in Europe and Kosovar and Serbian leaders, and we encourage further action to reduce misunderstandings and miscommunication. We commend the call by President Tadić for the dismantling of roadblocks. That call came belatedly, but it should be welcomed, nevertheless. Further steps are required to enable both KFOR and, above all, EULEX to carry out their respective mandates unhindered.

Dialogue has been proven to be the most effective means to contribute to sustainable peace and stability in the region. It is of utmost importance to provide the region with a clear European perspective and to ensure transparent communication among the parties. The European Union is a strong partner and is committed to supporting the region in finding long-lasting solutions and building a European future.

As Foreign Minister Westerwelle emphasized after his recent meeting with His Excellency Mr. Enver Hoxhaj, Minister for Foreign Affairs of Kosovo, it is positive that Kosovo and Serbia have resumed their dialogue and that the dialogue has brought about first, tangible results. It is crucial that both sides continue to show credible commitment and achieve further progress in moving forward with the implementation in good faith of the agreements reached in the EU-facilitated dialogue. That includes implementation of the 2 December agreement on the integrated management of crossing points. Reaching agreement on inclusive regional cooperation will also be a crucial contribution to peace and stability in the region as a whole.

We welcome the progress made on mutually accepted university diplomas, including the agreement to introduce certification by a committee of European academic experts. Those measures are important, tangible steps that will have a direct, positive impact for the people in Kosovo.

Against that background, it is even more regrettable that no date has yet been set for a new dialogue meeting. We urge both parties to agree on that as soon as possible.

Now, a few remarks on rule of law and security. Germany is pleased to note that in 2011 the overall number of common crimes decreased, compared to the previous year. We also congratulate the Kosovo police on its successful operations against organized crime and its perseverance in the fight against human and drug trafficking. We encourage Kosovo and Serbia to

continue to reinforce cooperation between their respective ministries of justice.

Regarding the allegations raised in the so-called Marty report, let me once again stress that Germany takes them very seriously. A thorough investigation of all alleged crimes is required, including abductions, detentions, mistreatment and killings during the period in question. We thus fully support the work of the Special Investigative Task Force established by EULEX, under the leadership of Ambassador Clint Williamson. We welcome the update provided in the current report on UNMIK (S/2012/72) and look forward to continued reporting to the Council on the work of that Task Force.

Let me reiterate that we have no doubt that the Task Force has the capacities, competence and the jurisdiction to carry out those investigations. Much has been achieved. Nineteen of the authorized 25 staff members have commenced their work, including prosecutors, investigators, analysts and support staff. The Special Investigative Task Force is analyzing the information collected, including that provided by UNMIK as part of its transition process. Ambassador Williamson has had numerous constructive meetings with Heads of States and Government, as well as relevant authorities in Kosovo, Serbia and Albania.

We are thus particularly pleased to see that not only Pristina, but also Belgrade and Tirana have reconfirmed, at the highest political level, their full cooperation with the Task Force and its investigators. The Serbian Prosecutor for War Crimes, Mr. Vladimir Vukčević, met with Ambassador Williamson and, according to local media on 19 January, described his approach as "very serious and highly professional". Most recently, the Albanian Government and authorities reiterated their commitment to full cooperation with the Special Investigative Task Force, following the visit of Ambassador Williamson to Tirana. This was again reiterated in the letter sent to the Council yesterday by the Deputy Prime Minister and Minister for Foreign Affairs of Albania.

Against that background, we are confident that all Governments will continue to respond favourably to a possible call for assistance. That will ensure that the Task Force can conduct investigations in Kosovo and beyond.

Let me conclude by reiterating our appreciation for the contributions made by UNMIK and by commending the dedication and service of its staff. Germany will continue to pay great attention to the developments in Kosovo. We will also continue to promote Serbia's and Kosovo's joint and shared European future.

Mr. Mehdiyev (Azerbaijan): At the outset, I would like to thank Mr. Edmond Mulet, Assistant Secretary-General for Peacekeeping Operations, for presenting the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2012/72). We welcome the participation in today's meeting of His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia, and thank him and Mr. Enver Hoxhaj for their statements.

Azerbaijan respects the sovereignty and territorial integrity of Serbia and does not recognize Kosovo's unilateral declaration of independence. Security Council resolution 1244 (1999) is the binding international legal basis for resolving the Kosovo issue and providing security in the area. The resolution outlines explicit guidelines and steps to be taken for a comprehensive settlement in a political process and through negotiations.

Neither the divergences on the interpretation of resolution 1244 (1999) nor the lack of progress in political negotiations can be presented as justifying unilateral action. It should be taken into account that in its advisory opinion of 22 July 2010, the International Court of Justice did not address the question of the legal consequences of Kosovo's unilateral declaration of independence. Accordingly, the Court did not clarify whether Kosovo had the right to unilaterally secede from Serbia or, generally speaking, whether such secession conformed with international law, nor whether or not Kosovo's declaration of independence had led to the creation of a state. The Court also left unanswered the question of the status of acts of recognition of Kosovo made by other States.

Attempts to impose unilateral solutions on crisis situations and their far-reaching repercussions, including, in particular, when such actions are controlled from outside or are coupled with external aid or even foreign military intervention, continue to pose a serious threat to international and regional peace, security and stability.

As the Secretary-General pointed out in his report, optimistic assumptions that durable solutions to the Kosovo issue might simply evolve from the status quo,

without a strong vision for the way forward and a united engagement of the international community, are belied by dynamics on the ground (see S/2012/72, para. 52). Indeed, dangerous escalation of the situation and instability and insecurity in the area demonstrate how illusive were the hopes of those who preferred unilateral actions to the perspective of achieving a solution based on mutual understanding and consensus.

Azerbaijan is deeply concerned about the tension and violent clashes observed in northern Kosovo during the reporting period. We note the efforts aimed at de-escalating tension and call upon all stakeholders on the ground to engage in dialogue and work together to restore stability.

Under challenging circumstances, it is important that the sides continue to be constructively engaged in the European Union-facilitated dialogue. Some positive results achieved so far in the framework of that dialogue and visible progress in the implementation of previously reached agreements are commendable and should be consolidated. We also hope that discussion on the European perspective, particularly on Serbia's European Union candidature status, will not be further delayed.

We are pleased to observe some positive characteristics in Kosovo's economic development, including gross domestic product growth of 5 per cent in 2011 and a satisfactory fiscal performance. At the same time, as the Secretary-General notes in his report, some legislative measures on privatization-related matters constitute a departure from the relevant framework established by UNMIK.

The situation regarding the return of internally displaced persons, in particular the decline in the rate of such returns, remains a matter of concern and requires redoubled efforts. Continued cooperation on the issue of persons reported missing and on the protection of religious and cultural heritage is also essential for reconciliation between communities.

Azerbaijan is concerned about reports related to human organ trafficking and believes that inquiries to investigate such a serious offence will definitely serve the principles of justice and the rule of law. We look forward to an objective investigation of the facts by the European Union Rule of Law Mission in Kosovo. At the same time, in order to ensure fairness and transparency, we support the view that the process must be empowered by and accountable to the Security Council.

In conclusion, I would like to commend UNMIK, under the leadership of Special Representative Zarif, for its efforts and important role in maintaining peace and stability in Kosovo and the entire region.

Mr. Hardeep Singh Puri (India): At the outset, I would like to thank Assistant Secretary-General Edmond Mulet for his briefing and for the Secretary-General's comprehensive report on the United Nations Interim Administration Mission in Kosovo (UNMIK) for the period from October 2011 to January 2012 (S/2012/72). I would also like to thank His Excellency Mr. Vuk Jeremić, the Minister for Foreign Affairs of Serbia, and Mr. Enver Hoxhaj for their statements.

We commend Special Representative of the Secretary-General Zarif and UNMIK for their ongoing efforts to improve the situation in northern Kosovo and for the services the Mission is rendering in areas such as document certification, mutual legal assistance, determining the fate of missing persons, the protection of architectural and religious sites, promoting UNESCO's activities, and facilitating Kosovo's interaction with INTERPOL, other international bodies and non-recognizing States. Those services serve to better the lives of all Kosovars and should be continued in accordance with resolution 1244 (1999) and other relevant decisions.

As the report of the Secretary-General notes, the situation in northern Kosovo continues to be tense and potentially unstable. In order to deal with that volatile situation, we urge all United Nations bodies and international agencies to use persuasion and negotiation, rather than force. Further, all sides must try to avoid taking unilateral steps to change the status quo. All sides should show creativity in finding a compromise on the contentious issues. In that connection, we appreciate the helpful position taken by the Government of Serbia on the issue of roadblocks and on the proposed holding of a referendum in northern Kosovo.

We applaud the concerned parties as well as the European Union for successfully holding two rounds of dialogue in Brussels in November and December 2011, despite the prevailing tensions. We have noted that these talks have resulted in forward movement on the agreements reached previously and in a new agreement on integrated management of crossing points. We hope

that the implementation of those agreements will further facilitate the daily lives of the Kosovars.

We have taken note with satisfaction that the Lead Prosecutor of the Special Investigative Task Force of the European Union Rule of Law Mission in Kosovo (EULEX) to investigate allegations of organ trafficking has assumed office and has started his work in earnest. We reiterate our stand that a thorough and impartial investigation should be carried out into all aspects of the matter.

In conclusion, I would like to express our support for Special Representative Zarif and UNMIK. Other agencies in Kosovo — the Organization for Security and Cooperation in Europe, the Kosovo Force, EULEX and others — should continue to cooperate and coordinate with UNMIK in accordance with their respective mandates. We reiterate the call on the parties to resolve all issues concerning Kosovo through consultation and dialogue without resort to unilateral action. Only thus can the aspirations of the Kosovars be met and lasting peace and stability established in the region, creating an enabling environment for socio-economic development.

Mr. Tatham (United Kingdom): I would like to start by thanking Assistant Secretary-General Mulet for his briefing. I would like to thank the Special Representative of the Secretary-General for Kosovo, Mr. Farid Zarif, for his participation by video teleconference. The use of video teleconferencing is one of several recent useful innovations that, in our view, improve the efficiency of the Security Council and of United Nations operations in the field, and I welcome the fact that Special Representative Zarif is amongst the many Special Representatives now using it.

I am also pleased to welcome to the Council His Excellency Mr. Enver Hoxhaj, the Minister for Foreign Affairs of Kosovo, and His Excellency Mr. Vuk Jeremić, the Minister for Foreign Affairs of Serbia.

The United Kingdom endorses a central theme of the report of the Secretary-General before us (S/2012/72), which is that the Government of Kosovo continues to make progress towards normalization both within Kosovo and within the region. I am sure that all Council members will agree that that is firmly in the interests of long-term peace and stability in the Balkans.

We wholeheartedly agree with the Secretary-General's observation that the European Union-facilitated dialogue between Belgrade and Pristina shows that it is possible for the parties to reach practical agreements in order to improve the daily lives of the people of Kosovo, and where those agreements have been reached, I congratulate the negotiators on both sides for their efforts. I welcome the assurances we have heard today from both Foreign Ministers of their continued commitment to the dialogue. The United Kingdom urges both sides to remain continually and constructively engaged in the process, and indeed to agree quickly on dates for further meetings.

The positive steps taken since the Council last discussed Kosovo (see S/PV.6670) demonstrate how Europe, with valuable support from the wider international community, is able to tackle and achieve progress on complex and sensitive issues that arise within its borders. It is for that reason that we welcome the recent appointment of Mr. Samuel Žbogar as the Special Representative of the European Union (EU) to Kosovo. We look forward to working with EU Special Representative Žbogar and his team as they help to guide Kosovo along the path to towards eventual EU accession.

Kosovo continues to make particular progress in judicial reform and migration. The launch in January of a formal dialogue with the European Commission on visa liberalization was a result of much hard work on the issue by the Government of Kosovo. Nevertheless, the United Kingdom recognizes that, in other areas, significant challenges remain. We are concerned about the decline in the level of voluntary returns of displaced people and communities. The Government of Kosovo should continue to make every effort to facilitate the return of its nationals in the hope that long-term resettlement and reintegration can take place. The United Kingdom is making its own contribution to that process, notably in the historic centre of Prizren.

Further efforts are also needed towards the strengthening of the rule of law and minority rights. There is no doubt that the government of Kosovo is committed to securing concrete progress on those issues, not least in the context of its commitment to prepare for eventual EU accession. We welcome the government's determination to engage more directly with Kosovo Serb citizens in the north.

For that reason, it is important for both Kosovo and Serbia to remain engaged in the EU-facilitated dialogue. As we have underlined on many occasions before, the dialogue remains crucial for building practical cooperation between Pristina and Belgrade, for improving the lives of their citizens, and for ensuring that both Kosovo and Serbia progress in a more stable fashion towards eventual EU membership.

It remains the responsibility of all who exercise influence in northern Kosovo, including the Government of Serbia, to work to actively deter violence and reduce tensions. That includes withholding support for any moves or initiatives that risk inflaming the situation, and it includes giving consistent and unequivocal backing to both the Kosovo Force and the European Union Rule of Law Mission (EULEX) in the exercise of their legitimate mandates — mandates that they have at all times been fully respected — to guarantee security and freedom of movement throughout Kosovo.

The situation still merits close attention, as Assistant Secretary-General Mulet has emphasized. The tentative trend established in the past few months towards a more stable situation in northern Kosovo is clearly one that needs to be sustained and built on.

We have heard today references to the allegations of organ trafficking in Senator Dick Marty's report to the Council of Europe. The United Kingdom takes those allegations seriously and continues to offer its full support to Ambassador Williamson and his Task Force, who are undertaking a thorough and comprehensive investigation into those sensitive issues.

We welcome the public commitments undertaken by the Governments of Serbia, Albania and Kosovo to cooperate with Ambassador Williamson's investigations. I note the welcome assurances given today by both Ministers for Foreign Affairs that their authorities will provide full assistance to the investigation. We are equally encouraged by the letter from His Excellency the Deputy Prime Minister and Minister for Foreign Affairs of Albania, Mr. Edmond Haxhinasto, which was circulated to Council members on 6 February and pledged to take all legislative steps necessary to institutionalize the Albanian Government's cooperation with EULEX. Those developments reinforce our confidence in the work of the EULEX Task Force and in its capacity, authority and jurisdiction to carry out a detailed and exhaustive investigation. I deeply regret the aspersions cast against the impartiality of that investigation by one Council member in an earlier intervention.

Overall, 2011 was a good year for Kosovo, in which it further consolidated its independence, with, I understand, 85 countries now confirmed as recognizers. Furthermore, the European Union's General Affairs Council conclusions of 27 January represented a significant step forward in Kosovo's relationship with the EU. Nevertheless, as the report of the Secretary-General makes clear, it is crucial that Kosovo maintain its focus on reform.

The United Kingdom shares the hope expressed by Assistant Secretary-General Mulet that 2012 can be a year in which opportunities are seized. In our view, that will mean a particular, sustained and full commitment by both sides to the EU-facilitated dialogue.

The United Kingdom continues to believe that Kosovo's future belongs in the European Union, along with all other countries in the western Balkans. We will work assiduously to help the government of Kosovo achieve that goal, and we remain committed to the work of the United Nations and the EU in Kosovo in support of that aspiration.

Mr. Briens (France) (*spoke in French*): I should like at the outset to thank the Assistant Secretary-General for Peacekeeping Operations, Mr. Edmond Mulet, for his briefing, and Special Representative of the Secretary-General Farid Zarif for participating in this debate by videoconference, which is a welcome practice at this time of budgetary constraints. I also welcome the presence here in the Chamber of the Ministers for Foreign Affairs of Serbia and Kosovo.

We begin this year in the hope that a dynamic of commitment will follow in the wake of the recent period of increased tensions. We have reason to be optimistic. The dialogue between Belgrade and Pristina, launched about a year ago and facilitated by the European Union, has yielded positive results. The authorities of Serbia and Kosovo have established a regular channel for communication; and they have concluded several agreements, aimed at improving the daily lives of the population, whose effects are beginning to be felt. Nonetheless, much remains to be done.

These first efforts towards the normalization of relations between Serbia and Kosovo are steps in the right direction. We encourage Belgrade and Pristina to constructively and pragmatically continue the dialogue by reaching agreement on pending issues. We are convinced in particular that agreement is possible on the participation of Kosovo in regional forums.

Political courage will definitely be required on the part of both sides. The parties must not succumb to the temptation to turn inward that can arise in a difficult economic and social context. They must continue to work towards the compromises required for the two countries to achieve regional reconciliation and European rapprochement. The stability of the Balkans as a whole is at stake.

The Secretary-General rightly highlights in his report (S/2012/72) the positive rhetoric used by leaders in Pristina and Belgrade, which we welcome. In that context, it is important for Prime Minister Thaçi to convince the Kosovo Serbs that Serbians and Albanians have a shared future and common interests in northern Kosovo. We call on the Kosovo government to act in order to ensure the peaceful integration of northern Kosovo by inviting its authorities to come to the table to discuss the issue. The autonomy of northern Kosovo within the legal framework of Kosovo is in the interests of Kosovo, its stability and its regional and European integration, because the primary goal of the two countries is to rejoin their European family. Those who continue to use ethnic nationalism as a political platform are in the wrong century.

We have also noted the recent statements made by President Tadić. We welcome with interest his four-point proposal calling for the implementation of decentralization, guarantees for the Kosovo Serbs, status for the Serbian Orthodox Church and its holy sites, and the settlement of property issues. Those proposals will open the way to a lasting reconciliation between Kosovo Serbs and Albanians without bringing into question the independence and territorial integrity of Kosovo. The Ahtisaari Plan offers a solid basis on which the parties can build to establish broad autonomy for Serbs in the north, consolidate the rights of minorities and protect their religious heritage.

Let me turn now to the situation on the ground in northern Kosovo. We hope that the agreements reached in Brussels will make it possible, if not to reduce tensions, at least to ease the daily lives of its inhabitants, who are the primary victims of those on both sides who have an interest in triggering incidents and allowing for the emergence of a lawless zone conducive to all types of trafficking.

Our substantive position remains unchanged. The police officers and soldiers deployed in the framework of NATO and the European Union cannot be seen as parties to the conflict. Any attack on them is unacceptable, as is any obstacle to their freedom of movement. The international community is present in Kosovo to maintain security and stability on the ground, including by ensuring respect for freedom of movement and enhancing the rule of law, in accordance with the resolutions of the Security Council.

We welcomed the call made by the President of Serbia to lift the barricades in northern Kosovo. Once again, we call on Belgrade to bring to bear all of its influence to re-establish freedom of movement there and to fully implement all of the agreements already reached, in particular the agreement on the integrated management of crossing points. We also call on the Serbian authorities to cooperate fully with the European Union Rule of Law Mission. Our requests and expectations are, of course, the same with respect to Pristina.

I should like to say one last word on the current investigation into the allegations of organ trafficking contained in the Marty report. In the light of the seriousness of those allegations, France would like the truth to be known, and, if the allegations are found to be true, for those responsible to be brought to justice.

That is why we supported the creation of the 19-member Special Investigative Task Force of the European Union Rule of Law Mission in Kosovo (EULEX) and the appointment of a very experienced individual, Clint Williamson, as its Lead Prosecutor. His actions throughout his career are well known in this Chamber. His impartiality is unquestionable. We expect the Task Force to conduct its investigation in Kosovo and beyond its borders, which it can do in cases involving crimes committed by citizens of Kosovo. I note that the States of the region have expressed their confidence in Mr. Williamson and assured him of their full cooperation on the political and legal levels.

We are particularly encouraged by the commitments made in that regard by the Prime Minister of Albania, as confirmed in the letter from the

Albanian authorities addressed to the President of the Security Council on 6 February. I am also pleased to note that the Lead Prosecutor will rely in part on the work already carried out by some institutions, in particular the Council of Europe. Finally, I should like to emphasize that, as indicated in the report of the Secretary-General, Mr. Williamson will also investigate allegations of mistreatment, detentions, abductions and killings during the reporting period.

In our view, EULEX has the resources, the will and the ability to complete this complex investigation in an impartial and independent manner, provided that it can work without political interference and in respect for the basic rules of confidentiality applicable to such matters. Naturally, EULEX must be able to guarantee witness protection. In that regard, we also expect it to provide the Security Council with periodic updates containing the most accurate possible information on the steps taken to pursue the investigation. Those updates can be included in the quarterly reports of the United Nations Interim Administration Mission in Kosovo.

Mr. Moraes Cabral (Portugal): I thank Mr. Edmond Mulet for his comprehensive and very useful briefing and for having introduced the Secretary-General's report (S/2012/72). I welcome the presence of Mr. Farid Zarif via video teleconference. I would also like to welcome Foreign Ministers Vuk Jeremić and Enver Hoxhaj and thank them for their statements.

I will focus my statement on three specific aspects. The first is the referendum on the acceptance of the institutions of the Republic of Kosovo, which is being planned in northern Kosovo. That project has already been condemned by the international community in general and very pointedly by the Republic of Serbia.

The rhetoric that serves as the basis for some actors in northern Kosovo who entertain the idea of a referendum is unhelpful to the process of improving relations between Belgrade and Pristina, and is potentially destabilizing for Kosovo. It demonstrates the extent to which some actors in northern Kosovo are pursuing,independent agendas. In that regard, President Boris Tadić's rejection of the partition of Kosovo must be highlighted and is to be much welcomed. In fact, that unacceptable initiative is a challenge to the territorial integrity of Kosovo. Furthermore, it strays from the accepted path towards peace and stability in the region under resolution 1244 (1999). It is meant to put pressure on the Government of the Republic of Serbia and to disturb Serbia's clear, deserved and, indeed, necessary path towards European integration.

The second aspect is the situation created by the barricades in northern Kosovo. Last November in particular, we witnessed violent clashes between Kosovo Serbs and the Kosovo Force (KFOR). I need not mention how much the barricades and related violence have hampered the normalization of the situation in northern Kosovo. The barricades are also a clear obstacle to the development of unimpeded economic relations between Serbia and Kosovo, which represent an important dimension of the ongoing negotiations in the European Union to facilitate a dialogue.

We must vigorously deplore the continued existence of the barricades. They stop the population of northern Kosovo from leading a normal life. They prevent the international forces in Kosovo from fully implementing the mandates they were given by the Council and from fulfilling their duties to the population. Finally, they are a source of great tension and therefore cast a permanent shadow over the negotiations and dialogue between the parties. Those negotiations are indeed decisive. The barricades are imprisoning Kosovo Serbs in a situation for which a solution acceptable to all is made more difficult by their action. I am happy to echo President Boris Tadić's appeal for the dismantling of the barricades.

Finally, allow me to briefly address the third aspect, the report on the activities of the European Union Rule of Law Mission in Kosovo (see S/2012/72, annex I). I wish to underline the ambitious scope of the Mission's activities, which include ensuring accountability for war crimes, rooting out corruption, fighting organized crime and trafficking in human organs, and investigating the allegations made in the Dick Marty report.

Portugal commends the efforts already undertaken by the European Union Rule of Law Mission in Kosovo (EULEX) and welcomes the recent activity of the Lead Prosecutor of the Special Investigative Task Force, Ambassador Clint Williamson. The contacts he has established with the Presidents and Governments of Serbia, Albania and Kosovo, as well as the strong support he has gathered

for his mission, allow us to expect transparent and efficient cooperation from all involved. It also raises our expectations about the Mission's initial findings, which we would like to hear about very soon, for the endeavour to uncover the whole truth behind the allegations of hideous crimes must remain our ultimate goal.

In that context, I would like to note with great appreciation the recent letter from the Deputy Prime Minister and Minister for Foreign Affairs of Albania, in which full cooperation with EULEX investigative action was promised. In line with the position we have always held on serious crimes, be it in the region or elsewhere, we believe that impunity in itself is not only intolerable, but also an obstacle to peace. Those allegations must be fully investigated and, if confirmed, their perpetrators brought to justice.

As stated in the Secretary-General's report, both sides at the highest levels have adopted a more conciliatory stance in some important respects and have renewed efforts to achieve results. We encourage them to move forward on that path. Progress has been made in the Belgrade-Pristina dialogue. In December 2011, another agreement was reached on the integrated management of crossing points, which we hope, once implemented, will help to normalize the situation in northern Kosovo. Furthermore, we have seen encouraging steps towards implementing previous agreements.

We reiterate our call on both parties to continue their commitment to that process and to finding compromise solutions. We should not allow minor irresponsible stakeholders to play a spoiling role disproportionate to their contribution to peace and stability and their representation among the population. The Security Council must therefore continue to play its crucial role in ensuring stability in Kosovo and the region, as Mr. Mulet underlined.

Portugal believes that the European perspective of Serbia and Kosovo constitutes an important encouragement for both parties to remain constructively engaged in their negotiations. While we are aware of the challenges ahead, we stress that time is of paramount importance in that regard. We appeal to both parties to renew their efforts, both internally and bilaterally, so as to make headway on all fundamental issues.

In concluding, let me once again express Portugal's appreciation and full support for the important work being carried out in Kosovo by the various international presences there, mainly the United Nations Interim Administration Mission in Kosovo and the Special Representative Farid Zarif.

Mr. Tarar (Pakistan): We thank Assistant Secretary-General Edmond Mulet for his briefing on Kosovo for the period from October 2011 to January 2012. We would also like to thank His Excellency Mr. Vuk Jeremić, Foreign Minister of Serbia, and Mr. Enver Hoxhaj for their statements. We also note the participation of the Special Representative of the Secretary-General, Mr. Farid Zarif.

There were some positive developments in Kosovo during the reporting period. We are pleased to note that the seventh and eighth rounds of the European Union-facilitated dialogue took place in Brussels, during which an agreement was reached on the application of the European Union (EU) concept of the integrated management of crossing points. The technical protocol for the implementation of that agreement should also be signed soon. We hope that the implementation of the agreement at all border crossing points will help to remove the irritants that have been a major source of recent tensions in Kosovo. We also positively note the progress made in implementation of the earlier agreements on cadastre records, freedom of movement and acceptance of university diplomas.

We appreciate the efforts of the Special Representative of the Secretary-General to de-escalate tensions in northern Kosovo. The United Nations Interim Administration Mission in Kosovo (UNMIK) continues to play an important role in ensuring stability in Kosovo. All constituents of the international presence in Kosovo must maintain neutrality while executing their respective mandates.

We welcome the positive statements from Belgrade concerning a compromise solution for Kosovo. We also appreciate the efforts of the leadership in Pristina to adopt a more conciliatory approach towards the population in the north. Conciliatory signals from both sides bode well for the creation of conditions conducive to winning public support for a resolution of the outstanding issues.

We note with concern, however, that the overall security situation in northern Kosovo continues to be

fragile. Such steps as the planned referendum carry the risk of increasing polarization and hardening attitudes and positions. Being detrimental to dialogue and the peaceful resolution of the problems of Kosovo, such measures should be avoided. We support the impartial investigation into alleged inhuman treatment of people and illicit trafficking in human organs.

The achievement of lasting peace needs vision and the demonstration of flexibility on the part of the leadership of both sides. Leaders also have the responsibility to prepare their publics to make the necessary accommodations. We urge all parties to pursue the path of dialogue and engagement for the sake of lasting peace in Kosovo.

Mr. Sangqu (South Africa): South Africa would like to thank Assistant Secretary-General Edmond Mulet for his briefing today on the United Nations Interim Administration Mission in Kosovo (UNMIK). We also welcome the participation of Special Representative of the Secretary-General Farid Zarif by video teleconference in this meeting today.

We welcome Foreign Minister Jeremić back to the Council and thank him for his statement. We also welcome Mr. Hoxhaj and thank him for his statement.

From the outset, my delegation reiterates its position that resolution 1244 (1999) remains in force and forms the basis for the resolution of the situation in Kosovo. It is therefore incumbent on the international presences in Kosovo, including the Kosovo Force (KFOR) and the European Union Rule of Law Mission in Kosovo (EULEX), to maintain a status-neutral position in the execution of their mandates, in line with presidential statement S/PRST/2008/44, adopted by the Council in November 2008.

South Africa supports the dialogue process facilitated by the European Union between the two sides, Pristina and Belgrade, as mandated by the General Assembly. We are pleased by the resumption of this dialogue and that the seventh and eighth rounds of negotiations took place in Brussels late last year. This regular direct contact between the parties is an important confidence-building measure that, we hope, will improve trust and allow the parties to address their outstanding and contentious issues. The recent discussions in Brussels have proven that, through dialogue, the parties are able to agree on a number of important issues, such as the management of crossing points.

South Africa remains concerned, however, that since the previous reporting period, the situation has continued to be tense and potentially unstable, particularly in northern Kosovo. We condemn all forms of violence by all sides, including attacks on KFOR and EULEX. This violence threatens the peace and stability of the region. All parties should exercise restraint and refrain from the unnecessary use of force. Violence and the use of excessive force will only undermine the gains made by the parties in their dialogue processes, ultimately making reconciliation more difficult to achieve.

My delegation is also concerned about the deterioration of inter-ethnic relations throughout Kosovo. Inter-ethnic trust remains vital. Public reconciliatory pronouncements from leaders on both sides are welcome, positive contributions towards reconciliation.

We have noted with appreciation the commitment shown by the Kosovo Police in the fight against criminal activities, such as organized crime, human trafficking and drug trafficking. As a result, by and large there has been a reduction in common crime from the previous year.

We would like to echo the concern expressed by the Secretary-General that "progress appears to be slowing on two major issues essential for reconciliation: voluntary returns of the displaced and determining the fate of missing persons" (*S/2012/72, para. 55*). In this regard, my delegation urges all parties to demonstrate cooperation and flexibility in finding solutions to these outstanding issues. Negotiations remain the only approach to producing reciprocally beneficial and sustainable solutions.

Regarding the allegations of organ trafficking, we reiterate our position that a credible, thorough, impartial and independent inquiry into these allegations should be conducted.

South Africa once more urges both sides to refrain from any action that could undermine the achievements attained in the dialogue process. We therefore call on the parties to exercise flexibility in order to enhance their engagement, resolve outstanding matters and ensure that reconciliation prevails.

Finally, I would like to express South Africa's appreciation and support for the role of UNMIK, under

the able leadership of Mr. Farid Zarif, in implementation of resolution 1244 (1999).

Mr. Alzate (Colombia) (*spoke in Spanish*): I thank the Assistant Secretary-General for Peacekeeping Operations, Mr. Edmond Mulet, for his detailed briefing on recent events and progress made in the implementation of the mandate of the United Nations Interim Administration Mission in Kosovo (UNMIK). I also welcome the Minister for Foreign Affairs of Serbia, Mr. Vuk Jeremić, and the Minister for Foreign Affairs of Kosovo, Mr. Enver Hoxhaj, and thank them for their presence. I know that winter conditions in Europe make travel to New York difficult, so their resolve to participate in this meeting merits twofold thanks.

We also welcome the presence via video teleconference of the Special Representative of the Secretary-General, Mr. Farid Zarif, whose intensive work with local leaders and those in Belgrade and Pristina is clearly outlined in the report of the Secretary-General before us (S/2012/72).

We regret the various incidents and violence that have occurred in recent months, and therefore stress the critical nature of UNMIK's work in easing tensions and preventing the recurrence of such events. We also regret acts of vandalism against churches and cemeteries, threats against the press, and other acts of violence, all of which hinder peaceful coexistence.

With respect to the allegations of trafficking in human organs made in a report to the Council of Europe in December 2010 by Mr. Dick Marty, we note the positive start to the work of Mr. Clint Williamson, as Lead Prosecutor of the Special Investigative Task Force of the European Union Rule of Law Mission in Kosovo. We hope that his work will give renewed momentum to the rapid completion of the investigations in order to ensure that those who are guilty of these acts are brought to justice.

Colombia views with optimism the progress made on issues of direct benefit to citizens, such as the civil registry, the cadastre records, improved freedom of movement, automobile registration and in particular the possibility of joint management of border crossings, which represents a dispute of great sensitivity between the parties.

We are also optimistic about the resumption of the European Union-facilitated dialogue. Colombia stresses the importance of building on common ground where progress can be made and the path to reconciliation can run smoothly. We are concerned about the slowing rate of voluntary returns of the displaced and the stagnation in investigations of missing persons. We therefore believe that increased efforts are necessary in mobilizing not only political will but also technical resources and cooperation. Those issues play a critical role in the reconciliation process and should enjoy the full commitment of all parties concerned and the support of the international community.

In setting its priorities, UNMIK should continue to promote security, stability and respect for human rights in Kosovo and the region by collaborating with the parties concerned, Kosovo communities and regional and international agencies. The work of UNMIK will be critical to persuading the parties to show moderation and promote dialogue in order to reach sustainable solutions to long-standing disputes.

Finally, we urge the parties to adopt measures allowing for a reduction in tension and avoiding the outbreak of new crises, and to work with the necessary political resolve on the basis of agreements already reached, because that is the true way to move towards peace.

Mr. Rosenthal (Guatemala) (*spoke in Spanish*): I would like to thank the Secretary-General for his report (S/2012/72) on the United Nations Interim Administration Mission in Kosovo (UNMIK) and my compatriot Edmond Mulet for having introduced it to us. I would also like to welcome the virtual presence of Special Representative of the Secretary-General Farid Zarif.

The report before us today leaves no doubt about the important function that UNMIK is fulfilling in Kosovo. We express our support for the Mission and encourage it to continue carrying out its mandate under resolution 1244 (1999) in all activities conducted in Kosovo involving the entire international presence in Kosovo, including the European Union Rule of Law Mission in Kosovo (EULEX) and the Kosovo Force, which must act with strict neutrality and impartiality.

We are concerned by the security situation in northern Kosovo, which not only creates additional challenges for the United Nations but also has a negative impact on dialogue between the parties. We encourage Pristina and Belgrade to take responsibility

for reducing tensions and to continue to use positive rhetoric in their communications.

We welcome the fact that, despite the difficulties described, the parties are focused on resolving their differences through dialogue, as shown by the recent round of talks facilitated by the European Union. We likewise recognize the contribution that this dialogue is making towards resolving practical issues, especially those directly affecting the daily life of the population. We note from the Secretary-General's report that some agreements have been reached which we hope can soon be put into practice towards the normalization of the situation in the north, such as through the integrated management of crossing points.

The incidents involving roadblocks and recent protests are regrettable. We are also concerned by the news of the referendum planned for mid-February by the municipal authorities in northern Kosovo. In fact, events remind us that it is impossible to separate the situation on the ground from positions on the legal status of Kosovo. Violence and unilateral actions must be renounced, and attempts to change the legal status by force must be shunned. We call on the parties to pursue dialogue on outstanding issues in order to reach a solid and lasting solution. We agree with UNMIK that the time has come to show the courage and pragmatism needed to achieve substantive progress.

We note the report on the work of EULEX in the annex to the Secretary-General's report. It is important to solidify efforts to move towards the rule of law in Kosovo. From our own experience, we have learned first-hand that strengthening the rule of law is essential to achieving peace and justice and to fighting impunity.

We have also followed closely the accusations made by Serbia against Kosovo authorities about human organ trafficking. We note that Lead Prosecutor Clint Williamson has assumed his position, and that the report on EULEX describes the investigation as complex and covering several jurisdictions. We hope that all accusations will be investigated in detail and that those responsible will be indicted. We therefore hope that an arrangement can be reached to involve UNMIK in the process of unravelling the accusations.

Mrs. DiCarlo (United States of America): I want to thank Assistant Secretary-General Mulet for his briefing and Special Representative of the Secretary-General Zarif for participating today. I also welcome Foreign Minister Hoxhaj and Foreign Minister Jeremić back to the Council, and I thank them for sharing their perspectives with us.

I would like to make four points. First, although the situation in northern Kosovo remains tense, the United States is encouraged by the progress Kosovo and Serbia have made in the dialogue facilitated by the European Union (EU). Both countries aspire to EU membership, and it is appropriate that this EU initiative be the forum for the parties to resolve their differences. Through practical arrangements, Kosovo and Serbia are expanding possibilities for their citizens to travel, work, study and trade. We continue to support EU efforts to encourage both countries to be flexible in reaching agreements on such issues as implementation of integrated management of their border crossings and Kosovo's participation in regional forums. We look forward to the full implementation of all previously negotiated agreements.

Secondly, we renew our call for unconditional and unfettered freedom of movement throughout Kosovo. The current so-called conditional freedom of movement afforded the European Union Rule of Law Mission in Kosovo (EULEX) and the Kosovo Force (KFOR) in northern Kosovo is simply unacceptable. While we are pleased that some barricades and checkpoints have been relaxed, obstructions to freedom of movement remain and are attributable to the actions of Serb hardliners, with the support of illegal Serb parallel institutions. The northern Kosovo Serb population and the Serbian Government should cooperate fully with KFOR and EULEX in the immediate removal of all roadblocks and in supporting the rule of law through actions such as cooperating in the arrests of key criminal suspects.

As noted in the report on EULEX (S/2012/72, annex I), Serb hardliners man barricades that block lawyers and EULEX judges and prosecutors from accessing the Mitrovica District Court, paralysing the only legitimate institution in northern Kosovo. Similarly, illegal roadblocks along the border continue to impede commerce and movement. We welcome President Tadić's public call on Serbs in northern Kosovo to dismantle such barricades, and we hope that his words will lead to actions on the ground to achieve freedom of movement for all. We reject all actions that seek to undermine Kosovo's independence, sovereignty and territorial integrity. That includes the parallel structures and Serbian security forces still present in northern Kosovo, nearly 13 years after the Council

mandated the withdrawal of such forces enacted under resolution 1244 (1999), to supersede Serbia's legal order in Kosovo.

Thirdly, we commend the efforts of the government of Kosovo to reach out to Kosovo Serbs by establishing a trust fund dedicated to support for the north. Kosovo's Constitution affords Serbs and other minorities extensive rights and protections, including enhanced local self-governance through the creation of new Serb-majority municipalities, special emphasis on returns of minorities displaced during the 1999 conflict, special ties to Serbia in education, health and social services, and protection of religious and cultural heritage.

However, the efforts of the government of Kosovo are made vastly more difficult by the presence in northern Kosovo of illegal Serb parallel institutions, including local government structures, police and courts financed by Belgrade, which exercise a campaign of intimidation against anyone willing to engage constructively with Pristina institutions. Serbia must cease its support for those parallel structures.

Finally, the United States takes very seriously any allegations of serious crimes committed in connection with the 1999 conflict. Such allegations must be thoroughly investigated. EULEX is the appropriate body to conduct an investigation into allegations of serious criminal activity, including organ trafficking.

EULEX assumed rule-of-law responsibilities in Kosovo in 2008. That was a key point in the Secretary-General's November 2008 report on UNMIK (S/2008/692), which the Council welcomed in its presidential statement of 26 November 2008 (S/PRST/2008/44). EULEX has the full support of all stakeholders in the region. We note that President Jahjaga of Kosovo and other Kosovo authorities have pledged full support and cooperation with the investigation, as have Prime Minister Berisha of Albania and President Tadić of Serbia. Given that all three countries aspire to be members of the European Union, we expect that they will fully cooperate with the EU investigation.

Also, the assertion that all investigations into war crimes in the former Yugoslavia have taken place under Security Council auspices is not correct. Cases outside *the United Nations mandate* have been developed by national prosecutors and are being handled by domestic courts in the region. Serbia, Bosnia and Herzegovina, and Croatia all have active war crimes prosecutors offices and war crimes chambers in their court systems that deal with not only cases referred to them by the International Criminal Tribunal for the Former Yugoslavia, but other cases as well. The Ćuska case, which concerns the massacre of Kosovo Albanian citizens by Serbian forces, is currently before courts in Serbia.

The United States has full confidence in the leadership of the Special Investigative Task Force led by Ambassador Clint Williamson. We categorically reject attempts to cast aspersions on the impartiality of Ambassador Williamson and the Task Force, such as those we heard in the Chamber today. Such assertions are irresponsible and baseless. Attempts to politicize the investigation, to duplicate its efforts or to conflate it with other investigations — including the ongoing Medicus case, which involves criminal activity during the 2006-2008 period — do a disservice to the alleged victims and their families. They also risk calling into question the impartiality of any decisions reached.

The international community is committed to long-term peace and stability for Kosovo and for the entire Balkan region. Many multilateral institutions, including the United Nations, the Organization for Security and Cooperation in Europe, NATO and the EU, have worked to promote peace, stability and reconciliation in the region. Now is the time for Serbia and Kosovo to put the past behind them and work towards their future in European and Euro-Atlantic institutions.

The President (*spoke in French*): I shall now make a statement in my national capacity as representative of Togo.

At the outset, I would like to thank Mr. Edmond Mulet for the presentation he has just made of the Secretary-General's report on the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2012/72). I also welcome the presence of His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia, and of Mr. Enver Hoxhaj.

UNMIK's mandate, we should recall, is to re-establish the institutions of a country devastated by war and to establish democratic governance. Within the framework of a process of reconstruction, the essential goals to be achieved were the security of individuals and goods, as well as a legal system in which all populations could have confidence. According to the

report, despite tangible progress, those goals have been but imperfectly reached, and the support of international actors remains necessary for Kosovo's stability. Indeed, even if the threat of war seems to have faded and if peace processes have been set in motion between the Kosovar and Serbian people, much remains to be done with respect to security in terms of community cohesion in Kosovo.

Acts of violence, in particular against border posts in northern Kosovo during the night of 27-28 July 2011, are a perfect demonstration of the climate of insecurity and of this difficult cohabitation. Those events contributed to the deterioration of the security situation in northern Kosovo, to the polarization of positions and to the worsening of separatist tendencies among the local populations. That instability is tangible proof that underlying problems that have yet to be resolved remain a threat to the peace and stability of the region. They also justify the importance of the presence of UNMIK and other partner organizations in Kosovo.

Togo regrets that those incidents have put a hold on peace negotiations between Kosovo and Serbia, which had begun well in the spring of 2011. In this tense situation, we welcome UNMIK's continued activities. Under difficult conditions it acts as an impartial mediator, helping to bring the different Kosovo communities closer together. UNMIK strives to encourage both Serb and Kosovar authorities to work with a view to leading all parties in the conflict to engage in an open, sincere dialogue in order to find a durable, peaceful solution to their differences.

In that regard, we welcome the thaw seen in recent weeks in relations between Pristina and Belgrade. Indeed, the report indicates that on 2 December 2011, with European Union mediation, the two parties adopted the agreed integrated border management conclusions. That paves the way for normalizing the situation at border crossings and for re-establishing freedom of peaceful movement. That agreement allows Serb and Kosovar police and customs officers to jointly manage those crossing points under the supervision of the European Union Rule of Law Mission (EULEX). This is likely to reinforce trust between the two parties. My delegation believes that that shows significant progress towards normalizing relations between the two parties. We would also like to welcome the two parties' agreement on the recognition of university diplomas.

Of course, there are still differences over the definition of Kosovo's common borders, which is, moreover, the main stumbling block. My country therefore urges the two parties to pursue their constructive efforts with a view to a full and complete normalization of their relations. It is through a shared resolve to reach a compromise that Serb and Kosovar authorities will be able to find a lasting solution to the conflict.

Finally, we welcome the presence in Kosovo of other international organizations, in particular the International Security Force in Kosovo, the European Union Rule of Law Mission and the Organization for Security and Cooperation in Europe, and we salute them for working together towards their common goal, which is the return of peace and stability to Kosovo.

I now resume my functions as President of the Security Council.

Mr. Jeremić has requested the floor to make a further statement. I now call on him.

Mr. Jeremić (Serbia): I would just like to direct the attention of the Council to one or two points that came up in the debate. I think that one thing that we really must address is that there may be different political points of view on how we see the issue of Kosovo from the legal perspective, the perspective of the rule of law and so on and so forth, but we need to acknowledge that the situation in Kosovo is very far from the rosy picture that some participants in today's debate have actually tried to present to the Council.

I will quote new reports from institutions such as the United Nations Development Programme (UNDP), for example. During the reporting period, the UNDP released its 2012 democratization index. It registered a lower score for the province than that of last year. So we are not really talking about improvements. It concluded that "democratic processes in Kosovo do not fulfil the standards". That is consistent with the results of the 2012 Map of Freedom put out by Freedom House, which again failed to classify Kosovo as an electoral democracy.

The January 2012 report of the Organization for Security and Cooperation in Europe on the judiciary in Kosovo, which was actually hailed by at least one participant in today's discussion, concludes that the political *influence* in trials and verdicts remained unacceptably strong, threats against judges and their

families were ever present and witness protection was dangerously weak.

The Human Rights Watch *World Report 2012* states that the Kosovo human rights situation has improved little in 2012, citing the poor justice system and systematic discrimination against non-Albanian communities as two main problems. Transparency International's *2012 Corruption Perceptions Index* classifies Kosovo as a highly corrupt society. It obtains the worst score of any territory on the old continent. Meanwhile, that non-governmental organization's local Pristina branch issued a 250-page *Assessment of Institutional Integrity*, concluding that "corruption is tremendously spread throughout Kosovo" and that "its level is only increasing".

A slightly older report of the European Commission of October 2011 indicated that public administration, the judiciary and efforts to tackle corruption and organized crime remain ineffectual, and so on and so forth.

So, I think that we need to look at things the way they are and to try and address them in the best possible faith. Serbia is ready — and we have demonstrated time and again that we are ready — to talk and to engage to discourage any provocative action, and we will adhere to that attitude. But let us not try to delude ourselves as to what the situation is really like over there.

I would like to use this opportunity to invite the Security Council to visit Serbia, including Kosovo, to see for itself what the situation is like. Representatives would see barbed wire and ghetto-like situations in certain parts of the province and that, today, Serbs are the most endangered society in the whole of Europe, at least in some parts of the province. So I urge the Council to consider Serbia's invitation to come and visit.

I appreciate the fact that one member of the Council, despite not exactly sharing Serbia's point of view, called for the two parties to put the past behind them and to work together to achieve a European future. We appreciate that stance. What was, of course, far more disappointing was today's appeal by the representative of Pristina for the European Union not to give Serbia candidate status at the next meeting. That does not go very well with the attitude of trying to work together to achieve a common European future, to which we in Belgrade remain committed.

Last but not least, there are not 85 countries of the United Nations system have recognized Kosovo. There are actually 81. I just wanted to make that clear for the record.

The President (*spoke in French*): I now give the floor to Mr. Hoxhaj, who asked to make a further statement.

Mr. Hoxhaj: I think that my statement was long enough to inform the Council of the objective situation within Kosovo and in the region. However, let me repeat here that Kosovo is a viable State and in the past four years, with the support of all Council members — and I would like to thank them for that support — and of key State partners, we were able to build a country, a society and a State from scratch that is today a very multi-ethnic democracy.

Whatever was said some minutes ago, it does not reflect the reality there but is just a description of a world that does not exist, since those who describe Kosovo never visit it. They do not know what Kosovo looks like. I am not here to bother the Council with reports and quotes, but if we refer to a report, we should simply refer to the European Commission progress report of last year, which confirmed that Kosovo had made significant progress in political criteria and other fields of life.

Today, Kosovo is an independent country. There are 85 countries that formally recognize the Republic of Kosovo. Nobody can stop the flow of history. Here, I repeat our attitude that we are very much in favour of politics of reconciliation, not of conflict, and of supporting the European integration of the whole region.

The President (*spoke in French*): The representative of the Russian Federation has requested the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I would like to briefly address two issues.

First, I was intrigued by Minister Jeremić's very interesting proposal that the Security Council visit Kosovo. As I understand, Mr. Hoxhaj also believes that such a visit to the province is important to obtaining an objective and correct understanding of developments there. The Security Council programme of work for this year is still not fully determined, so I propose that the Security Council discuss such a possibility to see if it can be part of our work programme for 2012.

Now, I should like to return to the matter of investigating the human organs issue and the Special Investigative Task Force led by Mr. Williamson. I take it as a positive sign that the Security Council has spoken about the work of that group for the first time today. Of course, it is important that cooperation and contact be established between the Task Force and interested parties because it is the only existing investigation mechanism. Of course, we should support it and cooperate with it.

Now, with regard to impartiality, we all know that in politics perceptions are as important as facts, and sometimes more important. We all know that, for example, in the United States of America, where we work, and in many other countries there is a jury system for trials. The jury selection sometimes takes longer than the trial itself. Some candidates are removed not because they are bad people or because they are not professionally trained, but simply because their perceptions may not be impartial, which could have an impact on the case.

I am convinced that the Task Force set up under Mr. Williamson is a closed group of which little is known, and its members have not gone through the kind of vetting process that would normally take place when a jury is established, simply because certain countries, including the United States, have their political agendas. I stress that we recognize Mr. Williamson as a highly professional specialist, and he has been put into a very difficult situation. To help him, we must set up the kind of mechanism described in the Serbian initiative. It would be under United Nations and Security Council auspices because, unless such a mechanism is set up, no outcome of the investigation undertaken by the Task Force that is not based on confirmed facts and the conclusions of the Marty report will be accepted as convincing.

They may make every effort and do everything necessary to fulfil their professional duty, but if they claim to be unable to confirm this or that assertion, or the involvement of particular individuals in the crime, then the international community will not accept them as convincing. We must understand that we are putting Mr. Williamson in a bind. In order to avoid such a dilemma, we again offer our support for the Serbian initiative to establish a special mechanism to involve the United Nations in this investigation.

The President (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded its consideration of the item on its agenda.

The meeting rose at 12.45 p.m.